

SPW 373/16

Doc. No. 290647 WEMHH/SB/21 (6/04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/054,270
	Filing Date	January 22, 2002
	First Named Inventor	Edward P. Perez
	Art Unit	3731
	Examiner Name	Daniel J. Davis
Total Number of Pages in This Submission	Attorney Docket Number	7404-318

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Form SB/08A Copy of Cited References
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Charles P. Schmal, Reg. No. 45,082 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	July 6, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below	
Typed or printed name	Charles P. Schmal
Signature	
Date	July 6, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Doc. No. 290644 WEMMH/SB/17 (12/03)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**FEE TRANSMITTAL
FOR FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$180.00)

Complete if Known

Application Number	10/054,270
Filing Date	January 22, 2002
First Named Inventor	Edward P. Perez
Group Art Unit	3731
Examiner Name	Daniel J. Davis
Attorney Docket Number	7404-318

METHOD OF PAYMENT
☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$0.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
-20** =		X	
-3** =		X	
Independent Claims			
Multiple Dependent			

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	.86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0.00)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other Fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)**SUBMITTED BY**

Name (Print/Type)

Charles P. Schmal

Registration No.

45,082

(Attorney/Agent)

Telephone

(317) 634-3456

Signature

Date

July 6, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need any assistance in completing this form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the patent application of:

Edward P. Perez

Serial No. 10/054,270

Filed January 22, 2002

**LANCET DEVICE HAVING
CAPILLARY ACTION**

)
)
) Before the Examiner
) Daniel J. Davis

)
) Group Art Unit 3731

)
) July 6, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

July 6, 2004

(Date of Deposit)

Charles P. Schmal

Name of Registered Representative

Signature

July 6, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B) and/or the additional information identified below in paragraph 4. A legible copy of each reference listed on form PTO-1449 is enclosed, except:

[] a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. _____ and/or

[] a copy of each U.S. patent and/or U.S. patent application publication is not provided because the present application has been filed or entered the national stage after June 30, 2003 and the Patent Office has waived the requirements of 37 CFR 1.98 (a)(2)(i) for submitting such documents in applications filed or nationalized after June 30, 2003.

1a. [] This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

Information Disclosure Statement
Serial No. 10/054,270
Group Art Unit 3731
Attorney Docket No. 7404-318
Page 1 of 3

07/12/2004 SSANDARA 00000008 10054270
01 FC:1806 180.00 OP

1b. ☒ This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

(1) ☐ the certification of paragraph 2 below is provided, or

(2) ☒ a fee of \$ 180.00 (set forth in 37 CFR §1.17(p)) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

(1) ☐ **the certification of paragraph 2 below is provided, and
a fee of \$ _____ (set forth in 37 CFR §1.17(p)) is enclosed; or**

(2) ☐ a Request for Continued Examination (RCE) has been filed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or

b. ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

c. ☐ A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.

3. ☐ A copy of a Search Report or Written Opinion from a foreign patent office is enclosed.

4. ☐ Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

5. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

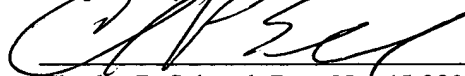
a. ☐ an English language translation submitted herewith,

- b. ☐ a foreign patent office search report (in the English language) submitted herewith,
- c. ☐ an English language translation of a foreign patent office search report submitted herewith,
- d. ☐ the concise explanation contained in the specification of the present application at page^s _____,
- e. ☐ the concise explanation set forth in the attached English language abstract,
- f. ☐ a copy of a related patent publication (in the English language) submitted herewith,
- g. ☐ the concise explanation set forth below:

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

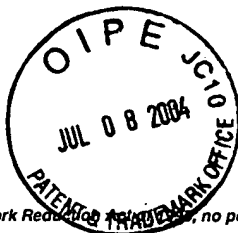
It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully Submitted,



Charles P. Schmal, Reg. No. 45,082
Woodard, Emhardt, Moriarty, McNett &
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Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
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007404-000318.CPS.290488



WEMMH/SB/08A (4/03)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/054,270
				Filing Date	1/22/2002
				First Named Inventor	PEREZ, ROE
				Group Art Unit	3731
				Examiner Name	Daniel J. Davis
Sheet	1	of	4	Attorney Docket Number	7404-318
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		6,258,229	07-10-2001	Winarta et al.	
		6,612,111 B1	09-02-2003	Hodges et al.	
		US 2002/0042594 A1	04-11-2002	Lum et al.	
		US 2002/0137998 A1	09-26-2002	Smart et al.	
		US 2002/0160520 A1	10-31-2002	Orloff et al.	
		US 2002/0168290 A1	11-14-2002	Yuzhakov et al.	
		US 2002/0177763 A1	11-28-2002	Burns et al.	
		US 2003/0028087 A1	02-06-2003	Yuzhakov et al.	
		US 2003/0028125 A1	02-06-2003	Yuzhakov et al.	
		US 2003/0073931 A1	04-17-2003	Boecker et al.	
		US 2003/0083685 A1	05-01-2003	Freeman et al.	
		US 2003/0083686 A1	05-01-2003	Freeman et al.	
		US 2003/0196894 A1	10-23-2003	Cai et al.	
		US 2003/0199789 A1	10-23-2003	Boecker et al.	
		US 2003/0199790 A1	10-23-2003	Boecker et al.	
		US 2003/0199791 A1	10-23-2003	Boecker et al.	
		US 2003/0199893 A1	10-23-2003	Boecker et al.	
		US 2003/0199895 A1	10-23-2003	Boecker et al.	
		US 2003/0199896 A1	10-23-2003	Boecker et al.	
		US 2003/0199897 A1	10-23-2003	Boecker et al.	
		US 2003/0199899 A1	10-23-2003	Boecker et al.	
		US 2003/0199900 A1	10-23-2003	Boecker et al.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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WEMMH/SB/08A (4/03)

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/054,270
				Filing Date	1/22/2002
				First Named Inventor	PEREZ, ROE
				Group Art Unit	3731
				Examiner Name	Daniel J. Davis
Sheet	2	of	4	Attorney Docket Number	7404-318

U.S. PATENT DOCUMENTS

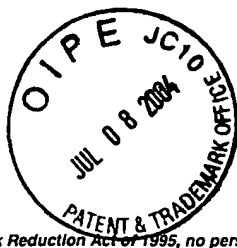
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
		US 2003/0199901	A1	10-23-2003	Boecker et al.	
		US 2003/0199902	A1	10-23-2003	Boecker et al.	
		US 2003/0199903	A1	10-23-2003	Boecker et al.	
		US 2003/0199904	A1	10-23-2003	Boecker et al.	
		US 2003/0199905	A1	10-23-2003	Boecker et al.	
		US 2003/0199906	A1	10-23-2003	Boecker et al.	
		US 2003/0199907	A1	10-23-2003	Boecker et al.	
		US 2003/0199908	A1	10-23-2003	Boecker et al.	
		US 2003/0199909	A1	10-23-2003	Boecker et al.	
		US 2003/0199910	A1	10-23-2003	Boecker et al.	
		US 2003/0199911	A1	10-23-2003	Boecker et al.	
		US 2003/0211619	A1	11-13-2003	Olson et al.	
		US 2003/0212344	A1	11-13-2003	Yuzhakov et al.	
		US 2003/0212346	A1	11-13-2003	Yuzhakov et al.	
		US 2003/0212424	A1	11-13-2003	Briggs et al.	
		US 2003/0233112	A1	12-18-2003	Alden et al.	
		US 2003/0233113	A1	12-18-2003	Alden et al.	
		US 2004/0049219	A1	03-11-2004	Briggs et al.	
		US 2004/0049220	A1	03-11-2004	Boecker et al.	
		US 2004/0087990	A1	05-06-2004	Boecker et al.	
		US 2004/0092994	A1	05-13-2004	Briggs et al.	
		US 2004/0092995	A1	05-13-2004	Boecker et al.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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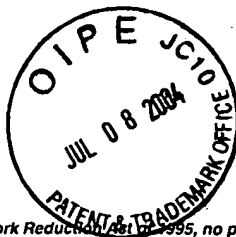
Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/054,270
				Filing Date	1/22/2002
				First Named Inventor	PEREZ, ROE
				Group Art Unit	3731
				Examiner Name	Daniel J. Davis
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Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		US2004/0010279 A1	01-15-2004	Freeman et al.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.



WEMMH/SB/08A (4/03)

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				Application Number		10/054,270	
				Filing Date		1/22/2002	
				First Named Inventor		PEREZ, ROE	
				Group Art Unit		3731	
				Examiner Name		Daniel J. Davis	
Sheet	4	of	4	Attorney Docket Number		7404-318	
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document Country Code- Number-Kind Code ⁵ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁶
		WO 01/095806 A2		12-20-2001	Moerman		<input type="checkbox"/>
		WO 02/100251 A2		12-19-2002	Alden et al.		<input type="checkbox"/>
		WO 02/100460 A2		12-19-2002	Alden et al.		<input type="checkbox"/>
		WO 02/100461 A2		12-19-2002	Alden et al.		<input type="checkbox"/>
		WO 02/101343 A2		12-19-2002	Leonard et al.		<input type="checkbox"/>
		WO 03/088824 A2		10-30-2003	Pelikan Technologie		<input type="checkbox"/>
		WO 03/088835 A2		10-30-2003	Boecker et al.		<input type="checkbox"/>
		WO 2004/022133 A2		03-18-2004	Briggs et al.		<input type="checkbox"/>

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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